

§ 163A-1168. Counting of provisional official ballots cast following completion of a reasonable impediment declaration when voting in person.

(a) The county board of elections shall find that a voter's provisional official ballot cast following completion of a declaration of reasonable impediment in accordance with G.S. 163A-1147 is valid and direct that the provisional ballot be opened and counted in accordance with this Subchapter, unless any of the following apply:

- (1) The county board of elections has grounds, including an impediment evidentiary challenge by a voter, as provided in subsection (b) of this section, to believe the declaration is factually false, merely denigrated the photo identification requirement, or made obviously nonsensical statements.
- (2) The voter failed to present identification in the form of one of the following:
 - a. Either a copy of a document listed in G.S. 163A-1144(a)(2) or the voter registration card issued to the voter by the county board of elections when voting or at the county board of elections.
 - b. The voter's last four digits of the Social Security number and date of birth.
- (3) The voter provided the last four digits of the voter's Social Security number and date of birth as the form of identification required under G.S. 163A-1147(c) and the county board of elections could not confirm the voter's registration using that information.
- (4) The voter is disqualified for some other reason provided by law.

(b) An impediment evidentiary challenge may be made only on a form developed by the State Board as follows:

- (1) Any registered voter of the county may make the challenge by submitting clear and convincing evidence in writing on a signed form to the county board of elections challenging the factual veracity of the impediment.
- (2) Challenges shall be submitted no later than 5:00 P.M. on the third business day following the election.
- (3) The county board shall hear evidentiary challenges on the day set for the canvass of the returns.
- (4) A voter whose declaration has been challenged may personally, or through an authorized representative, appear before the county board and present evidence supporting the factual veracity of the impediment.
- (5) In considering the challenge, the county board shall construe all evidence presented in the light most favorable to the voter submitting the reasonable impediment declaration.
- (6) The county board shall not find a challenge valid if it provides only evidence regarding the reasonableness of the impediment.
- (7) The county board may find the challenge valid if the evidence demonstrates the declaration merely denigrated the photo identification requirement, made obviously nonsensical statements, or made statements or selected a reasonable impediment check box that was factually false.

(c) A voter who failed to present identification required in G.S. 163A-1147(c) when completing the reasonable impediment affidavit may comply with the identification requirement by appearing in person at the county board of elections to present the identification no later than 12:00 noon the day prior to the time set for the convening of the election canvass pursuant to G.S. 163A-1172.

(d) If the county board of elections determines that a voter has also cast a provisional official ballot for a cause other than the voter's failure to provide photo identification in accordance with G.S. 163A-1145(a), the county board shall do all of the following:

- (1) Note on the envelope containing the provisional official ballot that the voter has complied with the reasonable impediment declaration requirement.
 - (2) Proceed to determine any other reasons for which the provisional official ballot was cast provisionally before ruling on the validity of the voter's provisional official ballot.
- (e) Within 60 days after each election, the county board of elections shall provide to the State Board a report of those reasonable impediments identified in that election by voters. The State Board shall use the information in the reports to identify and address obstacles to obtaining photo identification. (2015-103, s. 8(e); 2017-6, s. 3.)